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### REMARKS

The present application contains claims 1- 29.

Claims 1, 7, 13, and 18 have been amended to include the element 'said current communications path transmitting data packets;' in the body of the claims. The expression 'in which data packets are transmitted on a current communication path' in the preamble has been deleted accordingly. Support for the amendments can be found on page 4, lines 7-11, page 5, lines 16-24, and throughout the disclosure as originally filed.

The Examiner rejected claims 1-3, 5-6, 13-15, 17, 23, 26-27 and 29 under 35 U.S.C. 102 (c) as being anticipated by Saleh (US Publication No. 2001/0033548), hereinafter referred to as Saleh.

Applicant respectfully requests reconsideration and withdrawal of this objection in view of the amendments made herein and the following comments.

Saleh teaches a method for restore a virtual path in a mesh optical network in response to a failure (page 3, section 0028). Section 132 on page 11 states: 'FIG. 9 illustrates the steps performed in response to the failure of a link. ... If the VP does not use the failed link, the node goes to the next VP in the table and begins analyzing that entry (step 930). If the selected VP uses the failed link, the node releases all link bandwidth allocated to that VP (step 940).' Section 134 on page 11 further indicates: 'For each VP on the list, the node then sends an RPR to all eligible neighbors in order to restore the given VP.'

One aspect of the present invention teaches a mechanism for route selection in connection-oriented packet-switching networks in which data packets are transmitted on a current communications path. The route selection in present invention considers all links in the current communication path while computing an alternate communication

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path.

Applicant submits that Saleh does not teach path modification and path optimization by computing an alternating communication path while the current communication path transmits data packets as claimed by the amended claims 1 and 13, and by the originally filed claim 23.

Applicant therefore submits that claims 1, 13, and 23 are novel in view of Saleh. Applicant further submits that dependent claims 2 - 3, 5 - 6, 14 -15, 17, 26 - 27 and 29 inherit the features of the independent claims 1, 13, and 23 and therefore are novel in light of the amended independent claims.

The Examiner further rejected claims 7-10, 12, 18-20, 22, and 24-25 under 35 U.S.C. 103(a) as being unpatentable over Saleh and in view of Bader (US Patent No. 6,112,249), hereinafter referred as Bader.

Applicant respectfully requests reconsideration and withdrawal of this rejection in view of the amendments made herein and the following comments.

Another aspect of the present invention teaches a mechanism for route selection in connection-oriented packet-switching networks in which data packets are transmitted on a current communications path. The route selection in present invention considers all links in the current communication path while computing an alternate communication path. Prior to the computing of the alternate communication path, it may be advantageous to remove the network resource reservation used by the current communications path, and restore them after the computing. The removal, computing and restoring steps are advantageously performed in an atomic step.

As stated above, Applicant submits that Saleh does not teach path modification and path optimization by computing an alternating communication path while the current communication path transmits data packets as claimed by the amended claims 7 and 18,

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and by the original claim 23.

Bader teaches the restoration of network primary path upon failure. It is clear from the decisions illustrated in Fig.2 that after the primary path failure (Ref. 22, Fig. 2) that the method can only proceed if the primary path becomes available (Ref. 12 in Fig 2, and Ref. 30 in Fig. 3). Therefore, Bader teaches only the restoration of the database upon restoration of the primary path failure. Bader does not teach removing the resources for the current communication path from the database for computing an alternate communication path. Ref. 12 in Fig 2, and Ref 30 in Fig. 3 are decision steps in the process for restoring primary path to ensure the primary path becomes active again, it is not an atomic transaction to remove the resources for the current communication path, computing an alternate path and restore the removed resources to the database.

Applicant submits that one skilled in the art, in the light of the state of the art as described in Saleh and Bader, would not have the motivation to modify or optimize a current communication path, while transmitting the data packets, by removing the resources for the current communication path from a topology database, computing an alternate communication path and restore the resources to the topology database.

Therefore, it is respectfully submitted that claims 7, 18, and 23 and their dependent claims 8-10, 12, 19-20, 22, and 24-25 are unobvious in view of Saleh and Bader.

The Examiner further rejected claims 4, 11, 16, 21, and 28 under 35 U.S.C. 103(a) as being unpatentable over Saleh and Bader and in view of Fedyk et al. (US Patent No. 5,848,055), hereinafter referred as Fedyk.

As stated above, Applicant submits that one skilled in the art, in the light of the state of the art as described in Saleh and Bader which teaches the restoration of a network failure, would not have the motivation to modify or optimize a current communication path by computing an alternate communication path, without the trigger of a network failure. Therefore, Fedyk is not citable here, as Fedyk teaches the establishment of an

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alternate path in a connection-oriented network.

Applicant submits that the subject matters of new claims 1-29 are new and unobvious in view of the cited references.

Applicant respectfully requests reconsideration of this application, based on the foregoing amendments and remarks.

Respectfully Submitted,

  
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Date: April 1, 2004